

IN THE DRAWINGS:

Please replace Figures 1-4 with the attached replacement sheets.

ANNOTATED

10,517,018

PCT/IB2002/002264

WO 2004/001624

1/2

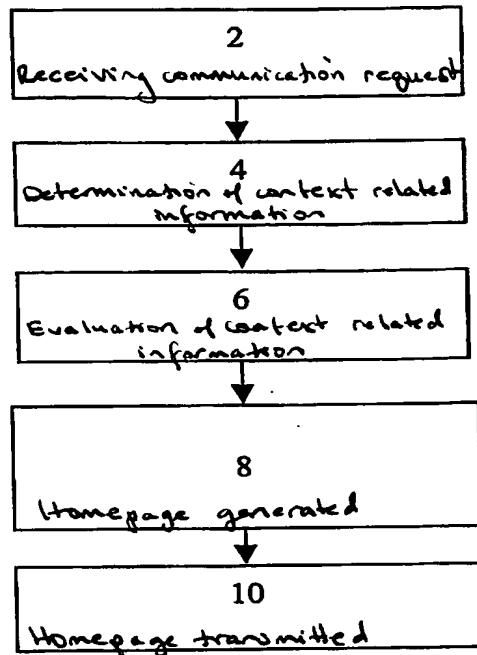


Fig. 1

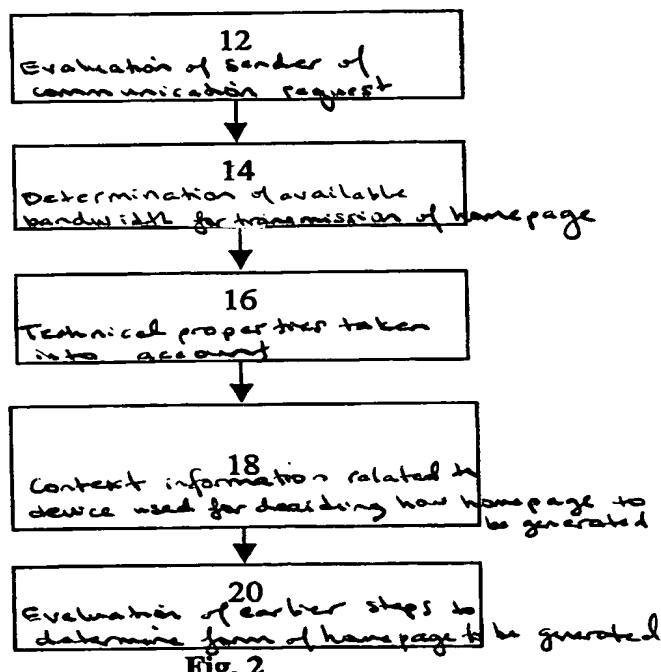


Fig. 2

Claim Rejections under 35 U.S.C. §112

The Office rejects claim 9 under 36 USC §112 because the phrase “such as” renders the claim indefinite as it is unclear whether the limitations following the phrase are part of the claimed invention. Applicant has amended claim 9 to remove the phrase “such as signal strength, location bandwidth or data rate” to overcome the rejection. Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claim Rejections under 35 U.S.C. §102(b)

The Office rejects claims 1-8, 11, 19-21 and 23 under 35 U.S.C. §102(b) as being anticipated by the published thesis “Look Ma’, My Homepage is Mobile!”, written by *Kehr et al.* (hereafter referred to as *Kehr*). The Office specifically points to pages 1-3 and Figures 1 and 2 in support of the rejection.

Applicant respectfully disagrees.

The Office asserts that *Kehr* discloses or suggests all the limitations of independent claim

1. Applicant respectfully submits that *Kehr* does not disclose or suggest that the homepage may be updated automatically, as required by claim 1. *Kehr* discloses a mobile homepage that can comprise context data of the device and can be personalized by a user. In one embodiment, a template is shown that comprises variables such as “\$COUNTRY” and “\$ARES”. *Kehr* does not disclose that these variables may be filled in with information, called location information octets, received from the provider of the cellular network. *Kehr* does not disclose that these location information octets are transferred automatically from the network or are requested automatically from the cellular telephone device. Thus *Kehr* does not disclose an automated determination of context related data, and therefore does not disclose an automated adaptation or updating of the homepage. *Kehr* teaches away from an automated updating procedure of the homepage, as the issues that can be improved are response length, access control, and especially user interaction. A person skilled in the art would interpret an improvement of a user interaction as a possibility to simplify the access of a user to amend the contents of the homepage. A simplified access would

not be necessary according to the claimed invention because the homepage is operated or adapted automatically, and an automated homepage significantly reduces the number or user interactions, thus reducing the necessity to simplify the user interaction.

As shown in Figure 2 of *Kehr*, the homepage is manually oriented wherein the mobile user has to confirm an access before the device grants access to the mobile homepage. *Kehr* further indicates that the template comprises information “Meeting” or “\$ITEM”, which cannot be determined by an automated procedure. There is no feature for automatically determining in a GSM-network the location of a device within the dimensional size limits of an “item” or to determine if a person is in a meeting. As a telephone device in *Kehr* cannot detect the situation the user is actually in, it is expected that such information, such as e.g. that the device/user is actually in a meeting, must be activated manually. This clearly teaches away from the claimed invention as required in claim 1: “*automatically* determining context related information of said mobile telephone device, *automatically* evaluating context related information, and *automatically* adapting said mobile homepage in accordance with said determined context related information.”

In the abstract on page 1 of *Kehr*, it is stated that the “homepage is dynamically constructed as Web users access it and that it can be configured in various ways controlled by the mobile user.” This clearly shows that the dynamic aspect of the homepage disclosed in *Kehr* refers to the access and not to the generating part of the homepage. *Kehr* does not disclose that the generation/updating of the homepage may be performed automatically. In *Kehr* it is disclosed that the homepage can show the activities a person currently is engaged in and the context of a user in the physical world. It is expected that the device cannot detect activities a person currently is engaged in, nor is this disputed anywhere in *Kehr*, thus the user must manually maintain this information on said homepage.

Thus, *Kehr* does not disclose or suggest “*automatically* determining context related information of said mobile telephone device, and *automatically* adapting said mobile homepage in accordance with said determined context related information” as required by claim 1. For at least the foregoing reasons, *Kehr* does not teach, suggest or disclose all the claim limitations required in independent claim 1 of the claimed invention and therefore *Kehr* fails to anticipate claim 1. Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 2-8 and 11 are directly or indirectly dependent from independent claim 1 and recite additional required features not recited in claim 1 that are not disclosed or suggested by *Kehr* as explained above. For at least the reasons regarding independent claim 1 clearly explained above, *Kehr* fails to anticipate claims 2-8 and 11, therefore Applicant respectfully requests that the rejection of claims 2-8 and 11 under 35 U.S.C. §102 also be reconsidered and withdrawn.

The Office further asserts that *Kehr* discloses or suggests all the limitations of independent claim 19. Claim 19 recites a mobile telephone device having “a processor configured to determine context related information of said mobile telephone device, to evaluate said context related information, and to adapt said homepage according to said determined context related information.” Thus, claim 19 is an apparatus claim having similar limitations to the method of claim 1 in that the processor of claim 19 determines and evaluates the context related information, and adapts the homepage accordingly. The automatic determining, evaluating and adapting required by claim 1 are performed by the *processor* of claim 19. As explained above, *Kehr* teaches that the *user* dynamically updates the homepage, which teaches away from the invention as claimed in claim 19. For at least the foregoing reasons and the reasons regarding independent claim 1 above, *Kehr* does not teach, suggest or disclose all the claim limitations required in independent claim 19 of the claimed invention and therefore *Kehr* fails to anticipate claim 19. Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 20-21 are directly or indirectly dependent from independent claim 19 and recite additional required features not recited in claim 19 that are not disclosed or suggested by *Kehr* as explained above. For at least the reasons regarding independent claim 19 clearly explained above, *Kehr* fails to anticipate claims 20-21, therefore Applicant respectfully requests that the rejection of claims 20-21 under 35 U.S.C. §102 also be reconsidered and withdrawn.

The Office further asserts that *Kehr* discloses or suggests all the limitations of independent claim 23. Applicant has canceled claim 23 and incorporated its contents into claim 24, which is not rejected under 35 U.S.C. §102 .

Claim Rejections under 35 U.S.C. §103(a)

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Nagaoka et al.

The Office rejects claims 9-10 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Nagaoka et al.* (US Patent Application Publication 2002/0180579, hereafter referred to as *Nagaoka*).

Applicant respectfully disagrees.

Claims 9-10 are indirectly dependent from independent claim 1 and recite additional required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, *Kehr* fails to anticipate claims 9-10. *Nagaoka* does not disclose the limitations lacking in *Kehr*. Consequently, the combination of *Kehr* in view of *Nagaoka* fails to render claims 9-10 obvious, therefore Applicant respectfully requests that the rejection of claims 9-10 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Venkatraman

The Office rejects claims 14, 16-18 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Venkatraman* (US Patent 5,956,487).

Applicant respectfully disagrees.

In rejecting claims 14 and 16-18, the Office asserts that *Kehr* discloses all the limitations of claim 1, but does not disclose that the homepage is an HTML or XHTML homepage, and further does not disclose a software tool, computer program code, or computer program product stored in a computer readable medium comprising of program code means for carrying out the steps of automatically adapting the contents of a mobile homepage when the program is run on a computer, a network device, or a mobile telephone device. The Office turns to *Venkatraman* to disclose these limitations. As explained above, *Kehr* teaches away from an automated updating

procedure of the homepage, and thus fails to disclose all the limitations of claim 1. Applicant respectfully submits that *Venkatraman* does not disclose the limitations lacking in *Kehr* according to the following.

Venkatraman discloses a possibility to remotely control a device via an interface that is provided as a homepage. The homepage can be arbitrarily configured to suit the applications of the device. This concept represents a possibility to provide a universal remote control interface to any kind of wired or wireless device. With *Venkatraman*, it is possible to input control commands, read out sensor data, etc. The main achievement of *Venkatraman* resides in remotely controllable devices that can be accessed by many different and even unskilled users.

Venkatraman, however, does not mention mobile telephone devices as the bearer of a mobile homepage. The reason for this omission is clear, as it is not applicable to remotely control a mobile telephone. Telephones are usually provided with only a single radio interface, usually provided with no sensors, and not provided with any kind of actuators (apart from a vibration alarm). Thus, a mobile telephone is not capable of being remotely controlled because of a lack of sensors and actuators. Another reason *Venkatraman* does not disclose remote controllability of a mobile telephone resides in the main application of a mobile telephone: providing a communication link to another phone. That is, if anyone can connect to the mobile telephone, he would also be able to connect to the telephone that may have been called by the remotely controlled mobile telephone. Additionally, it is not sensible to remotely control a mobile telephone as mobile telephones are usually capable of maintaining a single communication connection. Thus, if the mobile telephone actually provides the mobile homepage, the single communication channel is blocked and therefore cannot be controlled remotely. This reasoning why a mobile telephone is a device that should not be remotely controlled is also the reasoning why a person skilled in the art would not combine the disclosure of *Kehr* with the disclosure of *Venkatraman*. Thus, only in the case of impermissible hindsight would the features of the independent claims be derived from *Kehr* in view of *Venkatraman*.

Claims 14 and 16-18 are dependent from independent claim 1 and recite additional required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, *Kehr* fails to disclose all the limitations of claims 14 and 16-18. For the foregoing reasons, Applicant respectfully submits that *Venkatraman* does not disclose the

limitations lacking in *Kehr*. Consequently, the combination of *Kehr* in view of *Venkatraman* fails to render claims 14 and 16-18 obvious, therefore Applicant respectfully requests that the rejection of claims 14 and 16-18 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Jamtgaard et al.

The Office rejects claim 15 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Jamtgaard et al.* (US Patent 6,430,624, hereafter referred to as *Jamtgaard*).

Applicant respectfully disagrees.

In rejecting claim 15, the Office asserts that *Kehr* discloses all the limitations of claim 1, but does not disclose that the homepage is a WML homepage. The Office turns to *Jamtgaard* to disclose this limitation. As explained above, *Kehr* teaches away from an automated updating procedure of the homepage, and thus fails to disclose all the limitations of claim 1. Claim 15 is dependent from independent claim 1 and recites additional required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, *Kehr* fails to disclose all the limitations of claim 15. *Jamtgaard* does not disclose the limitations lacking in *Kehr*. Consequently, the combination of *Kehr* in view of *Jamtgaard* fails to render claim 15 obvious, therefore Applicant respectfully requests that the rejection of claim 15 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Kanevsky et al.

The Office rejects claims 12, 22 and 24 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Kanevsky et al.* (US Patent 6,496,949, hereafter referred to as *Kanevsky*).

Applicant respectfully disagrees.

In rejecting claims 12, 22 and 24, the Office asserts that *Kehr* discloses all the limitations of claims 11, 21 and 23 (from which claims 12, 22 and 24 depend), but does not disclose that downloading is initiated when it is detected that the attainability of the mobile device is expected to be reduced. The Office turns to *Kanevsky* to disclose this limitation.

With regard to claims 12 and 22, as explained above, *Kehr* teaches away from an automated updating procedure of the homepage, and thus fails to disclose all the limitations of claim 1. Claims 12 and 22 are directly or indirectly dependent from claim 1, or contain limitations similar to those recited in claim 1, and recite additional required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, *Kehr* fails to disclose all the limitations of claims 12 and 22. *Kanevsky* does not disclose the limitations lacking in *Kehr*. Consequently, the combination of *Kehr* in view of *Jamtgaard* fails to render claims 12 and 22 obvious, therefore Applicant respectfully requests that the rejection of claims 12 and 22 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

With regard to claim 24, Applicant respectfully disagrees that a person skilled in the art would combine the teachings of *Kehr* and *Kanevsky* to arrive at the claimed invention. *Kanevsky* discloses an emergency backup system for backing up data on one or more computers located in an identified danger zone. It is respectfully submitted that the invention of claim 24 is not designed for an emergency situation, but only for a situation in which it is possible that a mobile homepage may no longer be downloaded due to a *reduced attainability status*, and not due to an emergency or risk of a loss of data as taught by *Kanevsky*. *Kehr* in view of *Kanevsky* fails to disclose or suggest that a processor is configured to “detect an *attainability status* of said mobile telephone device, and being configured to initiate said download of the mobile homepage, in case a *decreased attainability status* of said mobile telephone is detected.” A person skilled in the art at the time of the invention would not apply the emergency backup system of *Kanevsky* to the disclosure of *Kehr* and arrive at the claimed invention. Consequently, the combination of *Kehr* in view of *Kanevsky* fails to render claim 24 obvious, therefore Applicant respectfully requests that the rejection of claim 24 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Largman et al.

The Office rejects claim 13 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Largman et al.* (US Patent Application Publication 2002/0188887, hereafter referred to as *Largman*).

Applicant respectfully disagrees.

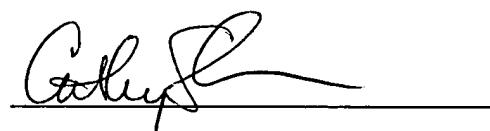
In rejecting claim 13, the Office asserts that *Kehr* discloses all the limitations of claim 1, but does not disclose that when the mobile device is not connectable, the communication request is rerouted to another device to retrieve that request. The Office turns to *Largman* to disclose this limitation. As explained above, *Kehr* teaches away from an automated updating procedure of the homepage, and thus fails to disclose all the limitations of claim 1. Claim 13 is dependent from independent claim 1 and recites additional required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, *Kehr* fails to disclose all the limitations of claim 13. *Largman* does not disclose the limitations lacking in *Kehr*. Consequently, the combination of *Kehr* in view of *Largman* fails to render claim 13 obvious, therefore Applicant respectfully requests that the rejection of claim 13 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

CONCLUSION

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's agent urges the Office to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

Dated: 1.30.08



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